

United States District Court
Southern District of Texas

ENTERED

October 31, 2022

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BRANDON ELIAS HAND,
TDCJ #01361647,

କବିତା ପରିଚୟ

Petitioner,

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v.

CIVIL ACTION NO. H-22-3701

SILVIO BERLUSCONI,

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Respondent.

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MEMORANDUM OPINION AND ORDER

The court has received a Petition for a Writ of Habeas Corpus by a Person in State Custody ("Petition") (Docket Entry No. 1) from "Brandon & Cardii B Bankxxx\$ [Hand].". The Petition was executed and filed by state inmate Brandon Elias Hand (TDCJ #01361647), who is incarcerated by the Texas Department of Criminal Justice - Correctional Institutions Division at the Allred Unit. Hand names former Prime Minister of Italy Silvio Berlusconi as the respondent. The court concludes that this case must be dismissed for the reasons explained below.

I. Discussion

Courts construe pleadings filed by pro se litigants under a less stringent standard than those drafted by lawyers. See Haines v. Kerner, 92 S. Ct. 594, 596 (1972) (per curiam); see also Erickson v. Pardus, 127 S. Ct. 2197, 2200 (2007) (per curiam) ("A

document filed pro se is 'to be liberally construed[.]'"') (quoting Estelle v. Gamble, 97 S. Ct. 285, 292 (1976)). Nevertheless, the label or title a prisoner gives to pro se pleadings is not controlling; rather, courts look at the content of the pleading. See United States v. Santora, 711 F.2d 41, 42 n.1 (5th Cir. 1983) (citing Andrews v. United States, 83 S. Ct. 1236, 1239 (1963)).

The pleading submitted by Hand does not challenge the fact or duration of his confinement and does not qualify as a petition for habeas corpus relief. See, e.g., Preiser v. Rodriguez, 93 S. Ct. 1827, 1841 (1973) (holding that the writ of habeas corpus is the only remedy for prisoners who challenge the "fact or duration" of their confinement and seek "immediate release or a speedier release from that imprisonment"). Accordingly, his submission is subject to screening under the Prison Litigation Reform Act ("PLRA"), which authorizes summary dismissal if the court determines that the action(1) "is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief." 28 U.S.C. § 1915A(b).

To the extent that his pleadings can be understood, Hand contends that he has been "Knighted by the Queen of England" and that musical artist Cardi B is his common law wife.¹ See Petition,

¹See Almánzar v. Kebe, Civil Action No. 1:19-CV-01301-WMR, 2021 WL 5027798, at *1 (N.D. Ga. July 8, 2021) ("Plaintiff is a citizen and resident of the State of California, and is a Grammy award-winning musical artist, songwriter, and television personality, professionally known as 'Cardi B.'").

Docket Entry No. 1, p. 6. The rest of Hand's pleadings are filled with incomprehensible ramblings that are delusional and wholly incredible. See Denton v. Hernandez, 112 S. Ct. 1728, 1733 (1992) (claims are properly dismissed as factually frivolous if the facts alleged are "clearly baseless," "fanciful," "fantastic," and "delusional") (quoting Neitzke v. Williams, 109 S. Ct. 1827, 1831-33 (1989)). Accordingly, this case will be dismissed as factually frivolous pursuant to 28 U.S.C. § 1915A(b)(1).

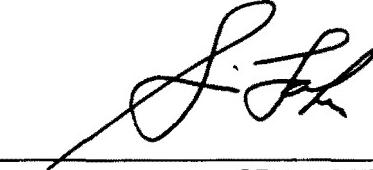
II. Conclusion and Order

Based on the foregoing, the court ORDERS as follows:

1. The civil action filed by Brandon Elias Hand (TDCJ #01361647) is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915A(b)(1) as frivolous.
2. The dismissal will count as a STRIKE for purposes of 28 U.S.C. § 1915(g).

The Clerk is directed to provide a copy of this Memorandum Opinion and Order to the plaintiff. The Clerk will also send a copy of this Memorandum Opinion and Order to (1) the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas 78711; and (2) the Manager of Three Strikes List at Three_Strikes@txs.uscourts.gov.

SIGNED at Houston, Texas, on this 31st day of October, 2022.



SIM LAKE
SENIOR UNITED STATES DISTRICT JUDGE